

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61071 of 2024

Arising Out of PS. Case No.-40 Year-2024 Thana- DEODHA District- Madhubani

Vijay Mukhiya, Son Of Laxmeshwar Mukhiya R/O Village- Inarwa Ushrahi,
P.S.- Deogha, District- Madhubani

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Subhash Kumar Jha
For the Opposite Party/s : Mr.Tapeshwar Sharma

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 23-08-2024 1. Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks bail in anticipation of his
arrest in a case registered for the offences punishable under
Sections 272, 273 and 34 of the I.P.C. and Section 30(a) of the
Excise Act.

3. The learned counsel for the petitioner submits that
the petitioner has antecedent of two cases and the allegation is
of recovery of 6.84 litres of liquor from a motorcycle.

4. The learned counsel for the petitioner submits that
petitioner was not arrested from the spot, as such, nothing was
recovered from his conscious possession and he came to be
implicated based on the fact that he is owner of the seized
motorcycle. The learned counsel for the petitioner submits that a



specific pleading has been made at Para-7 of the anticipatory bail application that petitioner is not the owner of the motorcycle. It is next submitted that this is how the police implicates in a mechanical manner without investigating the case in its correct perspective

5. Learned A.P.P. opposes the anticipatory bail application.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District & Sessions Judge-2nd- cum- Special Judge Excise Act, Madhubani in connection with Deodha P. S. Case No.40 of 2024, G.R. No.593 of 2024, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

8. It is made clear that the learned trial Court before accepting the bail bonds of the petitioner shall verify the criminal antecedent of the petitioner and in the event, if it is



found that petitioner has antecedent of more than two cases, in that event, the present anticipatory bail order shall not be given effect to.

9. However, it is made clear that the learned trial Court before accepting the bail bonds of the petitioner shall verify the ownership of the seized vehicle and in the event, if it is found that the vehicle is registered in the name of the petitioner, in that event, the present anticipatory bail application shall not be given effect to.

(Satyavrat Verma, J)

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